

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**AML IP, LLC,
Plaintiff,**

v.

**CLOUD IMPERIUM GAMES CORP.
AND CLOUD IMPERIUM GAMES
TEXAS, LLC
Defendants.**

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Civil Action No. 6:21-cv-00180

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

AML IP, LLC (“AML”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of 7,177,838 (“the ‘838 patent”) (referred to as the “Patent-in-Suit”) by Cloud Imperium Games Corp. and Cloud Imperium Games Texas, LLC (collectively “Cloud”).

I. THE PARTIES

1. Plaintiff AML is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, Cloud is a corporation existing under the laws of the State of Texas, with a principal place of business located at 13420 Galleria Cir. Ste A-250 Bee Cave, TX 78738. On information and belief, Cloud sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Cloud may be served through their registered agent Paracorp Incorporated, 14001 W Hwy 29, Suite 102, Liberty Hill, TX 78642 USA.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '838 Patent

6. On February 13, 2007, U.S. Patent No. 7,177,838 ("the '838 patent", attached as Exhibit A) entitled "Method and Apparatus for Conducting Electronic Commerce Transactions Using

Electronic Tokens” was duly and legally issued by the U.S. Patent and Trademark Office. AML IP, LLC owns the ‘838 patent by assignment.

7. The ‘838 patent relates to a novel and improved methods and apparatuses for conducting electronic commerce.

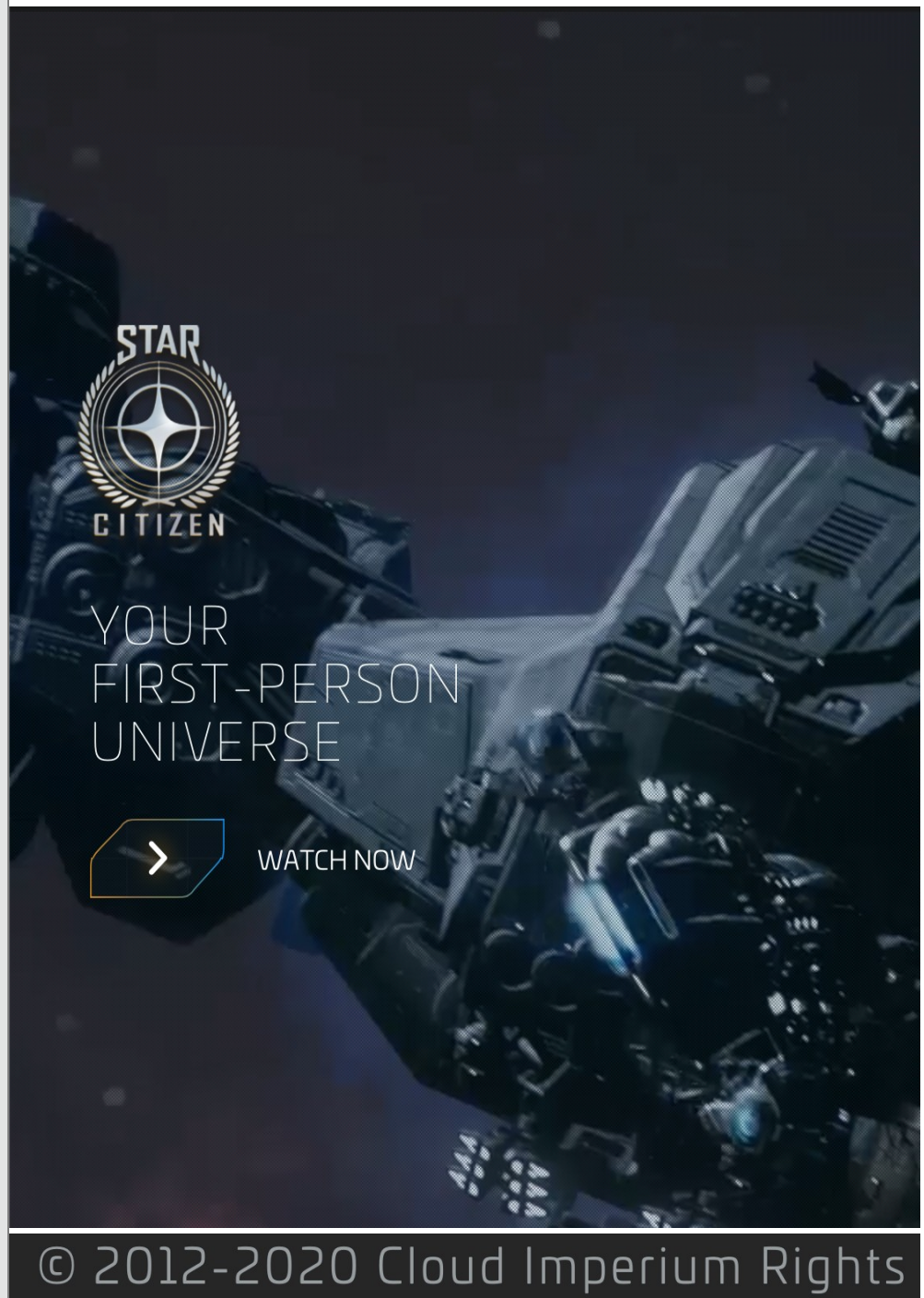
8. Cloud maintains, operates, and administers micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens that infringes one or more claims of the ‘838 patent, including one or more of claims 1-28, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘838 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

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Cloud Imperium

A method of conducting electronic commerce over the Internet using micropayments, the method comprising:



<https://robertsspaceindustries.com/star-citizen>

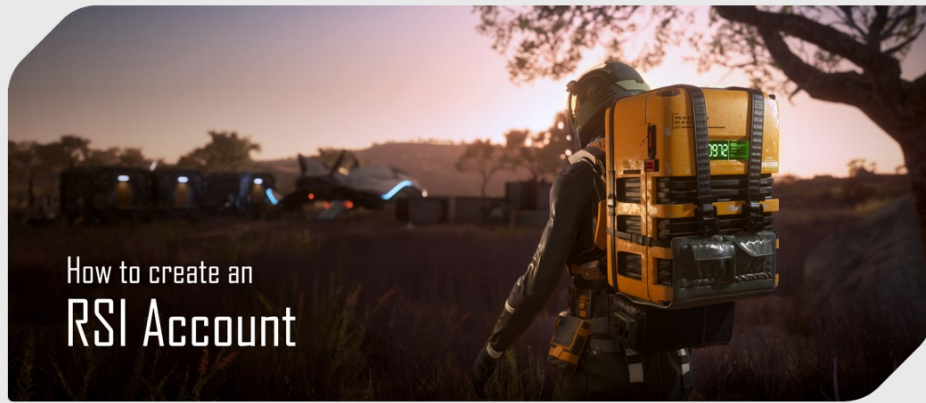
Cloud Imperium has a method of conducting electronic commerce over the Internet using micropayments.

The reference includes subject matter disclosed by the claims of the patent after the priority date.

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opening a user account
with a vendor for a user;



Welcome to Star Citizen! You need an RSI account to pledge for game packages, add ships, and install the game to play. Keep reading for helpful info on how to create and use your RSI account.

<<https://support.robertsspaceindustries.com/hc/en-us/articles/115010056428-Create-an-RSI-Account>>

The reference describes opening a user account with a vendor for a user.

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issuing one or more electronic tokens from the vendor to the user account, wherein no physical manifestation, other than a database entry, of the user account occurs, each electronic token having a value of at least a fraction of a dollar;



Within the 'verse, and out of it, there are multiple currency types at work that make the economy of Star Citizen function. Each one serves a very specific purpose to allow players to gain access to different things. Below is a more in-depth look at the currencies that our players will encounter during their travels.

You can see your account currency amounts quickly by clicking on the Account tab on <https://robertsspaceindustries.com/> where this will pop up.



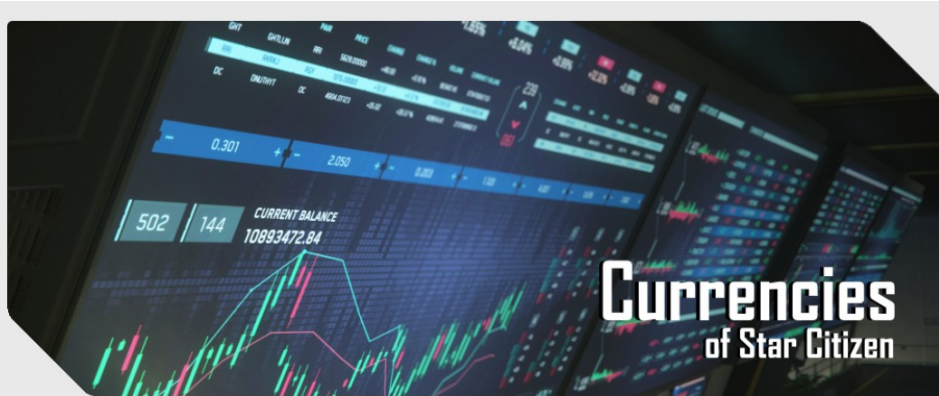
<https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->

The reference describes issuing one or more electronic tokens from the vendor to the user account, wherein no physical manifestation, other than a database entry, of the user account occurs, each electronic token having a value of at least a fraction of a dollar.

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providing products and services that may be purchased from the vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens;



Within the 'verse, and out of it, there are multiple currency types at work that make the economy of Star Citizen function. Each one serves a very specific purpose to allow players to gain access to different things. Below is a more in-depth look at the currencies that our players will encounter during their travels.

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[https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->](https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit-)

The reference describes providing products and services that may be purchased from the vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens.

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permitting the user to select, at any participating vendor website, a subset of the products and services for purchase from the vendor;

REC - RENTAL EQUIPMENT CREDITS

REC is earned in Star Citizen's Arena Commander game modes, and these credits allow you to rent equipment, ranging from weapons and components to full ships. Rental credits are a great way to test out load-outs and ships that you wish to pilot in the Verse. For more detailed information about rented equipment, check out our [Renting Equipment](#) article.

STORE CREDIT

Store Credit is currency that can be used toward pledges, ship upgrades, and UEC chits on the official RSI website. You get this currency through [Reclaiming Pledges](#) under the **My Hangar** section of your **Account** on the RSI website, or by redeeming Gift Certificates on your account. You can use Store Credit in the online store to purchase ships, game packages, and more. If you have insufficient Store Credit for a desired purchase, you can apply the store credit you have toward the order and pay the remaining balance via another [payment method](#).

Pledges made with any amount of store credit cannot be gifted and credit cannot be transferred between accounts.

<https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->

The reference describes permitting the user to select, at any participating vendor web site, [a subset of the products and services](#).

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computing at the participating vendor web site a total price for the selected subset of the products and services in units of electronic tokens;

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REC is earned in Star Citizen's Arena Commander game modes, and these credits allow you to rent equipment, ranging from weapons and components to full ships. Rental credits are a great way to test out load-outs and ships that you wish to pilot in the Verse. For more detailed information about rented equipment, check out our [Renting Equipment](#) article.

STORE CREDIT

Store Credit is currency that can be used toward pledges, ship upgrades, and UEC chits on the official RSI website. You get this currency through [Reclaiming Pledges](#) under the **My Hangar** section of your **Account** on the RSI website, or by redeeming Gift Certificates on your account. You can use Store Credit in the online store to purchase ships, game packages, and more. If you have insufficient Store Credit for a desired purchase, you can apply the store credit you have toward the order and pay the remaining balance via another [payment method](#).

Pledges made with any amount of store credit cannot be gifted and credit cannot be transferred between accounts.

[<https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->](https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit-)

The reference describes computing at the participating vendor web site [a total price for the selected subset of the products and services in units of electronic tokens](#).

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authorizing a purchase transaction at the participating vendor web site without requiring any third party authentication and a physical manifestation of the user account; and

UEC - UNITED EARTH CREDITS

UEC will be the in-game currency used to buy weapons, shields, and decoration items. When the final game goes live, this will be the currency used to purchase everything in the games virtual economy. UEC that is part of pledge packages is not attributed to the website UEC Balance until the game has gone live.

These credits will help you take your first steps on your journey into the Star Citizen universe once the game is released.

You can find the number of starting credits you will receive when the game goes live by navigating to [My Hangar](#), then selecting the expand arrow on your pledge. This will reveal an **Also Contains** section listing what is within your pledge:

[https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->](https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit-)

The reference describes authorizing a purchase transaction at the participating vendor web site without requiring any third party authentication and a physical manifestation of the user account.

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if the user account contains electronic tokens having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor, and subtracting the total price from the user account, wherein the purchase transaction is not subject to a minimum processing fee.

AUEC -ALPHA UNITED EARTH CREDITS

During the Alpha phase of the game, we will be using a currency called aUEC (Alpha United Earth Credits). This is a temporary currency specifically designed for Alpha testing the in-game economy and balance. **Your starting aUEC total with each test cycle will contain a base starting amount determined by testing needs, plus all UEC on your account that is not bundled with a game package.**

This means the amount listed under UEC as in the picture above. For example, the [Avenger Stalker game package](#) includes 2000 UEC, which will not be added to your starting aUEC total during testing.

How is my in-game aUEC balance calculated?

UEC Balance shown on your account	Given to all player accounts	In-Game aUEC
	+ 5,000 aUEC	= 10,000 aUEC

UEC from Game Packages will not attribute to your account balance or in-game balance until a later date.

<https://support.robertsspaceindustries.com/hc/en-us/articles/360006492734-Currencies-of-Star-Citizen-UEC-aUEC-REC-Store-Credit->

The reference describes if the user account contains electronic tokens having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor, and subtracting the total price from the user account, wherein the purchase transaction is not subject to a minimum processing fee.

These allegations of infringement are preliminary and are therefore subject to change.

10. Cloud has and continues to induce infringement. Cloud has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens) such as to cause infringement of one or more of claims 1–28 of the ‘838 patent, literally or under the doctrine of equivalents. Moreover, Cloud has known of the ‘838 patent and the technology underlying it from at least the date of issuance of the patent.
11. Cloud has and continues to contributorily infringe. Cloud has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens) and related services such as to cause infringement of one or more of claims 1–28 of the ‘838 patent, literally or under the doctrine of equivalents. Moreover, Cloud has known of the ‘838 patent and the technology underlying it from at least the date of issuance of the patent.
12. Cloud has caused and will continue to cause AML damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘838 patent.

IV. JURY DEMAND

AML hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, AML prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '838 patent;
- b. award AML damages in an amount sufficient to compensate it for Defendant's infringement of the '838 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award AML an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award AML its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award AML such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP



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